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REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 6 and 13 stand objected to under 37 CFR 1.75c. The amendment made to these claims should obviate the rejection.

The rejection to claim 11 has also been obviated herein by amendment.

A number of claims stand rejected under 35 USC 102 and/or 103 as either being anticipated by Nakaya, or as obvious over Nakaya in view of Flynn. These contentions are respectfully traversed, and it is respectfully suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability.

Specifically, the present application describes decreasing a data transmission speed to a lower speed as the amount of power in the battery is decreased. This feature is defined by the claims, such as claims 1 and 5.

In contrast, the cited reference to Nakaya teaches decreasing the frame rate, not the data rate, to a lower value as the remaining amount of power decreases. On page 1 of the present application, the frame rate is defined as the number of the picture images to be transmitted in a unit time. This is different than the transmission speed as defined according to the present specification. That is, in Nakaya, when the

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remaining power decreases, the picture images that are transmitted per unit time are also decreased, but are transmitted at the same transmission speed. Page 2 lines 3-6 of the present application describe how the reduction in frame rate will not cause as much power reduction as the reduction in transmission speed, which is done herein. Therefore, and for these reasons, it is respectfully suggested that the present claims are not anticipated by or rendered obvious from Nakaya.

Other claims, like claim 2, defined controlling the data communications speed based on availability or unavailability of the external power supply. For example, the data transmission speed may be immediately increased when the external power supply becomes available, even if the amount of power that remains in the built in battery is relatively low. That is, the external power source's presence controls the power supply, independent of the remaining power that remains in the battery.

Flynn teaches detecting the remaining power in the smart battery 200 for a mobile station operation control. Col. 10 lines 8-42 of Flynn teach measuring the charging current from the external power source 300, when the battery is recharged. This is used for initializing the remaining power of the battery 200. This, Flynn basically controls the mobile station operation based on the detected remaining power. Flynn fails to

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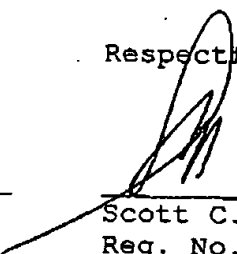
teach controlling the mobile station operation based on a direct response to the availability of the external power source 300. Therefore, even if Flynn and Nakaya were combined, the resulting device would still be deficient, would not teach the claimed feature of detecting the availability of the power supply, even when remaining power of the battery is low. Therefore, it is respectfully suggested that these claims should be additionally allowable.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Please apply the \$110.00 fee for a one month petition for extension and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Attached is a marked-up version of the changes being made by the current amendment.

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Version with markings to show changes made

In the claims:

Please amend the claims as follows:

1. A radio communication terminal having a built-in battery comprising:

power detecting means for detecting a remaining power of a built-in battery;

speed setting means for setting different data communication speeds at which the radio communication terminal is capable of communication based on the detected remaining power, the speeds being decreased as the detected remaining power decreases; and

data transmission control means for controlling data communication at the set data communication speeds.

2. A radio communication terminal having a built-in battery comprising:

power supply detecting means for detecting availability and unavailability of a power supply from an external power source to a built-in battery;

speed setting means for setting different data communication speeds based on the detected availability and unavailability of the power supply; and

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data transmission control means for controlling data communication at the set data communication speeds, which increase as the power supply from the external power source is detected.

3. A radio communication terminal of claim 2, further comprising:

image transmitting means for transmitting images; and
resolution setting means for setting different resolutions of the images, the resolutions being increased as the power supply from the external power source is detected.

4. A radio communication terminal of claim 2, further comprising:

display means for displaying received images;
brightness setting means for setting different brightness of the images, the brightness being increased as the power supply from the external power source is detected.

5. A radio communication terminal having a built-in battery comprising:

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image communication means for communicating images;
power detecting means for detecting a remaining power
of a built-in battery;

resolution setting means for setting different
resolutions of the images, the resolutions being increased
as the detected remaining power increases;

speed setting means for setting different data
communication speeds based on the detected remaining power,
the speeds being decreased as the detected remaining power
decreases; and

control means for controlling data communication and
image display at the set resolutions and set speeds.

6. (Amended) A radio communication terminal of claim 1,
further comprising:

image communication means for communicating images;

display means for displaying received images; and

image transmission inhibiting means for inhibiting image
transmission based on the remaining power detected by the power
detecting means,

[wherein the speed setting means decreases the
communication speed as the remaining power detected by the power
detecting means decreases,] and

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wherein the image transmission inhibiting means inhibits image transmission if the remaining power detected by the power detecting means is lower than a predetermined threshold, and the display means displays last-received image when image transmission is inhibited.

7. A radio communication terminal of claim 2, further comprising:

power detecting means for detecting a remaining power of the built-in battery,

wherein the speed setting means decreases the speeds as the remaining power of the built-in battery decreases, when the power supply detecting means detects the unavailability of the power supply.

8. A radio communication terminal having a built-in battery comprising:

a power detector, operating to detect an amount of power remaining in a built-in battery;

a speed setting control element, responsive to said power detector, and operating to set different data communication speeds at which the radio communication terminal is capable of communication, the operating being based on the detected

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remaining power and being carried out to decrease the speeds as the detected remaining power decreases; and

a data transmission controller, controlling data communication at the data communication speeds determined by said speed setting control element.

9. A radio communication terminal having a built-in battery comprising:

a power supply detector, detecting availability and unavailability of a power supply from an external power source to a built-in battery;

a communication speed setting element, operating to determine different data communication speeds based on the detecting by said power supply detector; and

a data transmission controller, controlling data communication at the set data communication speeds to increase as the power supply from the external power source is detected.

10. A radio communication terminal of claim 9, further comprising:

an image transmitting media that transmits images; and

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a resolution setting part that increases resolutions of the images as the power supply from the external power source is detected.

11. (Amended) A radio communication terminal of claim 9, further comprising:

a display that displays [the] received images;

a brightness setting part that sets different brightness of the images, and increases the brightness as the power supply from the external power source is detected.

12. A radio communication terminal having a built-in battery comprising:

image communication part, that communicates images;

a power detector that detects an amount of power that remains in a built-in battery;

a resolution control part, setting different resolutions of the images, by increasing the resolutions as the detected remaining power increases;

a speed setting part which sets different data communication speeds based on the detected remaining power, the speeds being decreased as the detected remaining power decreases; and

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a controller, operating to control data communication and image display at the set resolutions and set speeds.

13. (Amended) A radio communication terminal of claim 8, further comprising:

- an image communication part that communicates images;
- a display that displays [the] received images; and
- an image transmission inhibiting part that inhibits image transmission based on the remaining power detected by the power detector,

[wherein the speed setting means decreases the communication speed as the remaining power detected by the power detector decreases], and

wherein the image transmission inhibiting part inhibits image transmission if the remaining power detected by the power detector is lower than a predetermined threshold, and the display displays last-received image when image transmission is inhibited.

14. A radio communication terminal of claim 9, further comprising:

- a power detector, that detects a remaining power of the built-in battery,

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wherein the speed setting part decreases the speeds as the remaining power of the built-in battery decreases, when the power supply detector detects unavailability of the power supply.